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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of Closed Captioning and Video  
CC Docket No. 95-176 Description of Video Programming

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COMMENTS OF

**Pennsylvania Society for the Advancement of the Deaf**

I. Introduction

The **Pennsylvania Society for the Advancement of the Deaf** submits these comments to the Federal Communications Commission's (FCC's) Notice on Inquiry (NOI) on closed captioning and video description. We also wish to express our support for the comments submitted in response to this NOI by the National Association of the Deaf and the Consumer Action Network. We applaud the FCC on its commitment to telecommunications access for all Americans and thank the FCC for the opportunity to submit these comments.

II. Benefits of Closed Captioning

Television provides a lifeline to the world, in the form of news, information, education, and entertainment. Just as a hearing person can derive little or no benefit from watching television with the volume off, a deaf or hard of hearing person can derive little or no benefit from watching a program with no captions. Because it is so integral to one's understanding and enjoyment of video programming, captioning needs to become an integral part of the production of all video programming. A producer or video provider would not think of exhibiting a

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television show without its soundtrack; neither, in the future, should a producer or video provider consider displaying a show without its captions.

Before captioning, I had to ask the hearing people (parents, relatives and friends) "What is the big story on the news?" I was very restless while watching TV programs without captioning. I would keep tapping on hearing people more often to get more information. Or I would have to guess what the people on the program talked about. Now I am comfortable watching news or programs with captioning.

Other audiences can benefit from captioning as well. Research and anecdotal evidence shows that captioning has improved reading and English skills for children, illiterate adults, persons learning English as a second language, and remedial readers. In addition, captioning can help viewers understand the audio portion of television programs in noisy locations such as airports, hotel lobbies, and restaurants, or in quiet ones, such as government and private offices.

It is possible that someone who does not know the English language could learn some words and their spelling and meaning from seeing the action on the screen.

### **III. Availability of Closed Captioning**

Although 100% of prime time and children's programming on network broadcasts are captioned, most of the top 25 basic cable stations caption little or none of their programs. With the exception of CNN and USA, on average, fewer than 8% of basic cable programs are captioned. Similarly, few commercial advertisements are captioned, and hardly any coming attractions, program recaps, program previews, or station breaks are captioned, on either broadcast networks or cable stations.

In addition, most locally produced programs, including those covering news and community affairs, are not captioned. In our state, the major broadcasting companies finally started captioning the world news and local news for the larger cities where the program originates, but that does not help those of us who live in smaller communities. A number of us wrote to the station and they began including the captioning.

#### IV. Funding of Closed Captioning

The Commission is correct when it states that the federal government has played an important historical role in the funding of captioning. For example, the Department of Education has contributed significant funds directly to network broadcasters for the captioning of syndicated programming. Because the Telecommunications Act of 1996 now mandates captioning, video providers and owners will be soon be responsible for funding their own captioning. We support redirecting federal funds that are still available to funding research for improved captioning technology, providing subsidies for programmers that can show undue burden, and providing seed money for the captioning of programs by low-budget programmers and video program owners.

#### V. Quality

The quality of closed captions varies considerably, and some words are misspelled on some programs, the words and spelling are garbled through some of the programs, the special reports or the national weather reports cover the captioning. The Deaf people would never know who are talking, the captioning covers up their names and titles which are shown on a bar beneath the picture, affects the ability to enjoy and understand a television show.

The FCC should establish minimum standards to ensure the high quality of captioning services. We propose the following guidelines to assist in the development of such standards:

1. Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program's soundtrack. In order to meet this standard, caption data and information contained in the program's soundtrack must be delivered intact, throughout the entire program.

Captions are intended to replace the audio portion of a program; where the Commission imposes requirements to caption particular programs, those programs should be captioned in their entirety, as should the commercials and station news segments aired during their breaks.

2. Requirements for proper spelling, grammar, timing, accuracy and placement of captions should be designed to achieve full access to video programming.

3. Captions should include not only verbal information, but other elements of the soundtrack necessary for accessibility. These must include identification of the individual who is speaking where this is unclear to the viewer, sound effects, and audience reaction.

4. Captions should be provided with the style and standards which are appropriate for the particular type of programming that is being captioned. For example, often local newscasts are captioned with computer-generated captioning - also known as electronic newsroom captioning. This method simply does not provide functionally equivalent video service because it misses the captioning of live interviews, sports and weather updates, school closings, and other late breaking stories which are not pre-scripted. Additionally, this method produces captions which are typically out of sync with what is being reported, lagging far behind or jumping way ahead of the anchor person's statements. For all of these reasons, the Commission should require real time captioning for local news broadcasts and all other live programming. Real time captioning uses a

caption stenographer to simultaneously caption live audio programming, ensuring that viewers receive complete and up-to-the-minute captions of all that is on the soundtrack.

5. Captions must be reformatted as necessary if the programs on which they have been included have been compressed or otherwise edited. Videos are frequently edited as they move from movie theaters to premium cable stations to basic cable stations to syndication. This editing process typically entails removing frames of the video to compress it into a smaller time period. Video providers must be required to reformat captions on programs that have been edited to ensure that such captions are presented intact and in place.

6. Care must be taken to ensure that captioning remains intact as it moves through the distribution chain from its point of origination to the local video provider. Often captions on programs that are initially intact either arrive scrambled or are even stripped by the time such programs reach their final cable or local network destinations. This problem can easily be remedied by requiring individuals positioned at signal monitoring stations to monitor captions as they pass from a program's site of origination to local affiliates, cable providers, or other final destinations.

7. Open character generated announcements, such as emergency warnings, weather advisories, election results, and school closings should not obstruct or be obstructed by closed captions. Standards need to be developed to ensure the proper placement of these open scrawls.

In developing the above minimum standards, the Commission should work closely with deaf and hard of hearing individuals and captioning services who have had first hand experience with captioning. We propose the creation of a regulatory negotiated rulemaking committee for this purpose.

## VI. Transition

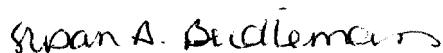
The Commission has requested comment on appropriate timetables for providing captioning of video programming. The target for any set of timetables implemented by the Commission should be 100 percent captioning of all television programs, subject to the undue burden exemptions. No category of programming should be completely exempt from the captioning requirements. We recognize, however, that a goal of 100% captioning will not be met overnight. Accordingly, we propose initially requiring premium cable stations to caption 100 percent of their programs within 90 days of the effective date of the FCC's rules.

We also propose that the FCC develop a set of timetables that will begin to require captioning for new programs (i.e. programs that are first published or exhibited after the effective date of the FCC's captioning regulations) within six months after the effective date of the FCC's rules. Timetables for captioning can thereafter depend on the size of the video programmer/owner (with larger programmers and owners being subject to the Commission's rules more quickly), the type of program (with news and current affairs taking first priority), and the airing time for the program (with requiring the captioning of prime time shows before other time slots). Again, although some programmers and owners may have additional time to comply with the captioning rules, the Commission should set as its ultimate objective 100 percent captioning for all those not exempted because of an undue burden.

## VII. Conclusion

On February 8, 1996, President Clinton signed the Telecommunications Act of 1996 into law. For the first time in our nation's history, that law mandates the provision of closed captioning for nearly all television programming. The Conference Report accompanying this Act states that it is "the goal of the House to ensure that all Americans ultimately have access to video services and programs, particularly as video programming becomes an increasingly important part of the home, school, and workplace." Conf. Rep. No. 104-458, 104th Cong., 2d Sess. (1996) at 183-4. In keeping with this goal, the FCC initiated this NOI so that it could gather the information needed to promulgate comprehensive regulations on video captioning. We thank the FCC for doing so, and urge the Commission to complete this proceeding and issue captioning rules in an expedited fashion.

Respectfully submitted,



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